



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/358,546	07/22/1999	TORU OZAKI	6141990	1702

21171 7590 11/21/2003

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

CHOW, CHARLES CHIANG

ART UNIT PAPER NUMBER

2685

DATE MAILED: 11/21/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/358,546

Applicant(s)

OZAKI ET AL.

Examiner

Charles Chow

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-11,13,15-19 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5-11,13 and 15-19 is/are allowed.
- 6) ☒ Claim(s) 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13,16.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2685

**Office Action for
Applicant's Amendment
(8/8/2003)**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by Jackson (US 6,516,466 B1).

Jackson discloses a portable communication device (Fig. 3-4a/Fig. 6, portable digital cellular device 34, 64) comprising input unit to receive a present state of feeling of a user via at least one button (the user makes selection manually and sends signal to microwave transmitter/receiver 22 of the tower in col. 4, lines 30-35; the keypad or buttons in Fig. 4a./Fig. 6; the downloading songs or video games in abstract), for the user selectable song, video of the present state of feeling.

Jackson discloses the communication unit (portable cellular device 34, 64) to transmit the present state of feeling of the user (abstract, summary of invention) to a remote microwave tower 12 and to receive a transmission the remote microwave tower 12 (entertainment system 10) indicating the service can be provided to the user, based upon user's present state of feeling to select different song or video games (abstract, col. 3, line 54 to col. 4, 52; Jackson's claims 11, 13).

Art Unit: 2685

Claims Allowable

2. Claims 1-2, 5-11,13,15-19 are allowable over the prior art of record.

The following is the examiner's statement for the reasons of allowance:

Claims 1-2, 5-11,13,15-19 are allowable over the prior art of record because the cited references fails to disclose singly, particularly, or in combination, the subject matter, having a priority date of 12/18/1998, for a portable communication device for communicating with a remote communication terminal, being configured and arranged to be used in a digital money system, having the remote communication terminal to remotely communicate via the wireless link to the base station. The system also comprises a short distance infrared communication interface link to the digital money settlement means.

The invention further claims the allowable features for the changing enciphering/deciphering method which is changed by changing a software installed in said enciphering/deciphering processor (as shown in Fig. 1-2, independent claim 1), and the allowable features for the specific key or button for inputting user state of feeling that the user can input information regarding user's present state of feeling, as shown in independent claim 13. The dependent claims are also allowable due to their dependency upon the independent claims. The closest patent to Takayama-'133 B1 teaches the similar system (as shown in figure in cover page, a digital service providing system 102, a settlement system 103, a payment means 100, a charging means 101, abstract; col. 4, lines 15-33; col. 43, line 59 to col. 44, line 31).

However, Takayama teaches the system using credit card payment settlement which is different from present invention using digital money. Besides, Takayama does not teach the

Art Unit: 2685

changing enciphering/deciphering method which is changed by changing software installed in said enciphering/deciphering processor and the inputting of user's present state of feeling.

Considerations has been made to the following relevant prior arts:

Nohda'-875 B1 teaches a technique to update the program for ciphering and decrypting.

Watts-'749 A2 teaches the voice inputting device and key pad for inputting money data information for the payment.

Loder-'720 teaches a Subscriber Identification Module SIM for storing the amount paid before, prepaid, in the SIM, and the controlling of the payment record decrease according to the tariff rate before reaching to the minimum money value in the SIM.

Vatanen-'890 B1 teaches a payment terminal utilizes the GSM-network to produce customer a receipt and to record transactions in cash register by utilizing software booking.

Barabash et al.-'378 teaches the maintaining a user balance, and the periodically sending/displaying of the balance on a mobile unit.

The prior arts are not disclosing the claimed features, singly, or in combinations, as shown above.

Any comments considered necessary by applicant must be submitter no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "comments on statement of reasons for allowance".

3. Any inquiry concerning this communication or earlier communications from the examiner

Art Unit: 2685

should be directed to Charles Chow whose telephone number is (703)-306-5615.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)-305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Charles Chow *C.C.*

November 10, 2003.


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600